



Panama

Country Reports on Human Rights Practices - [2001](#)

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Panama is a representative democracy with an elected executive composed of a president and 2 vice presidents, an elected 71-member unicameral legislature, and an appointed judiciary. In 1999 voters elected President Mireya Moscoso of the Arnulfista party. The Constitution provides for an independent judiciary; however, the judicial system is subject to corruption and political manipulation.

Panama has had no military forces since 1989. The Panamanian Public Forces consist of the Panamanian National Police (PNP), the National Maritime Service (SMN), the National Air Service (SAN), and the Institutional Protection Service (SPI). A 1994 constitutional amendment formally prohibits the establishment of a permanent military, although it contains a provision for the temporary formation of a "special police force" to protect the borders in case of a "threat of external aggression." The Judicial Technical Police (PTJ), a semiautonomous body with leadership appointed by the Supreme Court, is a separate branch of law enforcement under the Attorney General's Office, and performs criminal investigations in support of public prosecutors. The Ministry of Government and Justice oversees the PNP, the SMN, and SAN; the Ministry of the Presidency supervises the SPI. Police forces respond to civilian authority, have civilian directors, and have internal review procedures to deal with police misconduct. There were reports of instances of abuse by some members of the security forces.

The country has an estimated population of 2.8 million. The service-oriented economy uses the U.S. dollar as currency, calling it the Balboa. Gross domestic product grew by 2.7 percent in 2000; however, growth estimates for 2001 range from 1.0 to 1.5 percent. Poverty persists and income distribution remains extremely skewed with large disparities between rich and poor. Unemployment is estimated at 13.3 percent; however, private economists believe that it may be higher; it reached 50 percent in Colon during the year.

The Government generally respected the human rights of its citizens; however, there continued to be serious problems in several areas. PNP officers are suspected in the deaths of two men. Abuse by prison guards, both PNP and civilian, is a recurrent problem of the prison system. Overall prison conditions remained harsh, with occasional outbreaks of internal prison violence. The Government took steps to reduce the number of arbitrary detentions. Prolonged pretrial detention is a problem. The judiciary is subject to political manipulation, and the criminal justice system is inefficient and often corrupt. There were complaints that in some cases police failed to follow legal requirements and conducted unauthorized searches. The media is subject to political pressure, libel suits, and punitive action by the Government. Police conduct toward public protesters was restrained. Violence against women remains a serious problem. Women hold some high positions in Government, including the presidency; however, discrimination against women persisted. Discrimination against indigenous people, blacks, and ethnic minorities continued to be a problem. Worker rights were limited in export processing zones. Child labor is a problem. Trafficking in persons is a continuing problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by government officials; however, the police registered one allegation of extrajudicial killing by police.

In August the bodies of two men were found at the beach of Punta Chame. Their deaths have been linked to two off duty PNP officers who were dismissed and detained. An investigation into the killings was being conducted by the Public Ministry at year's end.

In June four PNP guards at the Tinajitas prison were convicted in the March 1997 beating death of detainee Jose Luis Alvarado.

In January the President established the Panamanian Truth Commission, which began to investigate killings and disappearances believed to have occurred under the 1968-89 military dictatorship (see Sections 1.b. and 4). Among the cases the Commission is investigating is that of an unmarked grave discovered in 1999 on the grounds of a former military base near Panama City believed to contain the remains of leftist leader Heliodoro Portugal. Three former members of the National Guard--Captains Rigoberto Garibaldo, Aquilino Sieiro, and Moses Correa--have been linked to Portugal's kidnaping and killing. The authorities placed Garibaldo under house arrest and forbade the two others from leaving the country until the investigations are complete. The investigations were ongoing at year's end. The human remains located through the Truth Commission's work remain unidentified pending DNA testing.

The Government did not establish responsibility for the October 2000 attack by approximately 60 assailants, widely believed to be members of a Colombian armed group, on the village of Nazaret, near the border with Colombia, during which an 11-year-old girl was killed, and approximately 12 persons were wounded, including 3 members of the PNP. Two police officers in Darien accused of torturing an Embera Indian suspected of aiding Colombian rebel groups were cleared of all charges during the year (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

In January the Panamanian Truth Commission began to investigate killings and disappearances believed to have occurred during the military dictatorship (see Sections 1.a. and 4). In early August and in October, a team of foreign forensic anthropologists assisted by a dog trained to locate human remains carried out investigations for the Commission. The team located human remains in numerous locations in four provinces of the country.

The Hector Gallego Committee for Disappeared Relatives maintains a list of 120 persons who disappeared during the military dictatorships and who remain missing.

During the year, Revolutionary Armed Forces of Columbia (FARC) guerrillas and possibly other Colombian armed groups reportedly kidnaped persons in the Darien region along the border with Colombia. There were reports that the FARC harassed and killed Darien residents. There were unconfirmed reports that Colombian citizens have been kidnaped and then held in Panamanian territory.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of measures that could harm the physical, mental, or moral integrity of prisoners or detainees, and the public security forces generally performed in a professional and restrained manner. However, there were complaints that prison guards abused prisoners. In contrast to 2000, there were no reported cases of excessive use of force and inhuman punishment against prison inmates during the year; however, abuse by prison guards is a recurrent problem.

In December 2000, Indian community leader Francisco Olivo complained that two police officers in Darien tortured an Embera Indian after he was arrested and accused of aiding Colombian rebel groups. The torture incident reportedly occurred soon after an October 2000 attack on Nazaret (see Section 1.a.). Following an investigation conducted during the year, the accused officers were found to have used handcuffs and necessary force. The case was dismissed.

The legislation providing the legal basis for the PNP includes specific guidelines for the use of force, including deadly force, requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior. However, there is no follow-on training in the use of force provided to the PNP.

The PTJ and the PNP have offices of professional responsibility that act as internal affairs organs to hold officers accountable for their actions. Both have staffs of independent investigators as well as administrative authority to open internal investigations. In both organizations, a defined legal process is followed in which,

upon completion of the process, the respective director of the PTJ or PNP has the final authority to determine the disposition of each case. The PNP deputy director and secretary general address human rights problems that arise in the police force. The offices of professional responsibility are well known in the community, and the rate of complaints has remained generally constant in the PTJ office. During the year, the Office of the Human Rights Ombudsman received 62 complaints against the police for abuse of authority (see Section 4). The PNP Office of Professional Responsibility received on average 10 complaints per week during the year, an increase from the 6 per week in previous years. An estimated 30 to 40 percent of complaints result in some type of punitive action, and all are archived. Penalties include reduction in rank, dismissal, and in severe cases, criminal prosecution. By year's end, the authorities had dismissed 37 officers for corruption, burglary, and/or bribery. A total of 695 other cases had been submitted for investigation by year's end; 191 cases were closed, and 504 cases remained under investigation.

The PTJ receives complaints from the public, and officers can make anonymous complaints of corruption and other problems. By September the PTJ Office of Professional Responsibility had conducted 101 investigations, which resulted in the dismissal of 7 agents. The majority of open cases were for mishandling official property such as misplacing guns or radios (21 cases), and misconduct or improper behavior when off duty (27 cases).

Corruption among police officers remains a problem. By September the PTJ Office of Professional Responsibility had dismissed seven agents for corruption. In some cases, PNP and PTJ directors enforced other disciplinary measures against officers with proven involvement in illicit activities; however, both organizations only react to egregious abuses, due to a lack of staff, independence, and institutional priority.

During the year, police generally exercised restraint in their treatment of street protesters. However, police commonly used tear gas against protesters, and in May used tear gas, water cannons, and rubber bullets to quell violence during demonstrations (see Section 2.b.).

Traffickers frequently bribe or evade local law enforcement officials (see Section 6.f.).

The FARC guerrillas and the paramilitary forces of the United Self-Defense Forces of Colombia (AUC) share a long history of spillover of violence from Colombia into the border area on the Darien peninsula, including killings, kidnaping, robbery, and various forms of harassment of innocent bystanders (see Sections 1.a. and 1.b.).

Despite some technical improvements and some training of prison guards during the year in Colombia, overall prison conditions remained harsh and, in some cases, life threatening, due largely to budget constraints. The prison system has 9,626 prisoners but an official capacity for only 6,995 persons. Most prisons are dilapidated and overcrowded. Many of the problems within the prisons stem not only from the obvious overcrowding but also from the lack of separation of inmates according to the type or severity of the crime committed. Pretrial detainees must share cells with sentenced prisoners, in part due to lack of space. On August 6, an inmate close to completing his 1-year sentence for a minor offense was killed by his cellmate, an inmate serving a 5-year sentence for assault with a deadly weapon. A "corregidor" sent the victim to jail (see Section 1.e.). Medical care is inadequate and prisoners sometimes suffer because of the negligence of the guards. Tuberculosis, AIDS, and other communicable diseases are common among the prison population. The Corrections Department does not have an ambulance to take prisoners to hospitals in case of emergencies. However, during the year, the General Penitentiary Directorate (DGSP) received a donation of \$10,000 from Red Cross International, which together with a donation from a legislator, it plans to use to buy an ambulance. Local media report that 28 inmates have been killed and 142 injured due to prison violence since 1996.

Abuse by prison guards, both PNP and civilian, is a recurrent problem. Police officials acknowledge that they have received and investigated 82 cases during the year. A total of 76 were for abuse of authority, and 6 were for mistreatment of prisoners. During the year, a court convicted three custodians from La Joya prison for committing abuses against prisoner Jorge Reyes Alvarez in 1996. In addition, the PNP agent accused in the 1996 beating death of prisoner Jorge Alvarado was found guilty (see Section 1.a.). In one high profile case, 10 members of the PNP were suspended for beating naked prisoners with baseball bats in the (now closed) Modelo prison in 1998; they were awaiting trial at year's end.

The main prisons in Panama City include La Joya (a maximum-security facility), Tinajitas, the Feminine Center (women's prison), and the Juvenile Detention Center. Two additional facilities, La Joyita and El Renacer, hold inmates generally accused of less serious crimes.

Conditions at La Joyita remain problematic, including inmate claims of severe overcrowding, poor sanitation and abuses by prison custodians against inmates. Over 2,000 inmates are held in the facility, which was designed to hold 1,400 inmates. In June Ricardo Julio Vargas, adjunct Ombudsman, unexpectedly visited La Joyita and reported witnessing human rights violations. He emphasized that the sanitation facilities in the

prison do not meet minimum health requirements, including a lack of bathrooms in some of the pavilions. He also criticized overcrowding that forced a number of the inmates to sleep in hammocks or on the floor. For example, 185 inmates were housed in a pavilion with a capacity of 80 beds. The Ombudsman also raised concerns regarding an absence of resocialization programs and a lack of access to telephones. Also in June, 570 foreign inmates began hunger strikes to obtain better health care and sleeping facilities, increased time for outdoor recreation, access to education programs, and extradition to native countries to complete prison sentences. After 1 week of inmates strikes, the National Prison Director met with the Ombudsman, eight foreign inmates, and representatives of the Catholic Church and negotiated an end to the hunger strike. Prisoners signed an agreement with government prison and human rights officials that included 18 reforms that the Government committed itself to fulfill, including reducing prison overcrowding, improving sanitation and health conditions, and establishing improved recreation policies. On August 7, at La Joya prison, riot police used tear gas to disperse prisoners who were demanding increased outdoor recreation, access to television, and improvements to cell conditions. The media reported that the prison's medical ward treated five inmates suffering from minor injuries caused by exposure to tear gas. Prison authorities asked inmates to select a "spokesperson" to channel their frustrations in a peaceful manner. Negotiations for better conditions ended the August disturbances, although prisoners continued to stage intermittent hunger strikes to focus attention on their plight. One hunger strike in November included prisoners from La Joya and the Public Prison of David in Chiriqui province.

There are prisons of significant size in David and Santiago. The DGSP did not receive funding to build a large prison facility in Divisa by the end of the year. Small jails attached to local police stations around the country sometimes house prisoners for the entire length of their sentence. The authorities frequently do not address cases of abuse and neglect in these provincial jails due to their low profile in the prison system. Prison authorities hope eventually to close down these provincial jails and house all prisoners in the central jails.

The DGSP largely depends on PNP officers to supply both internal and perimeter security at all prisons. The Government had planned to hire civilian corrections officers (or "custodians") with specialized training to handle inmates in all prisons, but funding constraints have prevented reform. There are over 400 custodians, but due to insufficient funding, the DGSP was not able to hire new civilian custodians during the year. As a result, regular PNP officers still are used to fill staffing gaps. The Government of Colombia provided scholarships for 10 custodians (7 males and 3 females) to attend 4 months of training during the year. The 10 custodians were training coworkers at year's end. The Costa Rican Government has offered training for 50 custodians to attend a 1-month training class in 2002. Custodians do handle inmates within La Joya, El Renacer, and the central women's prison, which uses only female guards. Because prison security rests almost entirely with the PNP, tensions arise between PNP officers and their civilian directors. In addition, PNP officers are untrained for prison duty and generally find the assignment distasteful which contributes to tension and abuses within the prison system. The DGSP does not have authority to discipline prison guards with criminal or civil sanctions; only the PNP disciplinary board can sanction a PNP agent or a custodian.

Prison conditions on the island penal colony of Coiba remained harsh and dangerous, and national prison authorities plan to close Coiba in 2002. Although the facility no longer holds the most dangerous criminals, it continues to relieve overcrowding elsewhere in the prison system. The prison population at the island prison colony, with a physical capacity of 300, was reduced to 89 inmates, compared with 114 in 2000; none are pretrial detainees. Coiba prisoners suffer from malnutrition and shortages of potable water. Medical care is practically nonexistent; prisoners with AIDS told reporters that they are isolated in small cells, and that medical attention is provided once a year. Escapes from Coiba reportedly are common. In 1998 a prison gang reportedly beheaded four prison escapees who belonged to a rival gang. The authorities concluded a lengthy investigation, and on October 9, a court convicted 7 of the 12 accused gang members of murder. In June 2000, the remains of three individuals were found on the nearby island of Jicarita. The authorities have not yet determined the identity of the remains or the circumstances of their deaths.

La Joya is the primary maximum-security facility and houses most prisoners accused of serious crimes. La Joya's official capacity is 1,324, but it houses over 2,100 inmates. Gang violence is a problem. In June there were press reports that the national policemen who serve as prison guards in La Joya subject prisoners to serious physical abuses and smuggle drugs, weapons, and cellular telephones into the system.

Prison conditions in Colon province also are harsh. The prison frequently has no running water or functioning sewage system and fails to provide the most basic health needs. Colon's main prison, Nueva Esperanza, is near completion and is expected to absorb inmates from Colon's women's prison and the dilapidated public prison, both of which are scheduled to be closed. The new inmates are to be housed in separate sections of Nueva Esperanza. This new prison is expected to include recreational outdoor facilities for the inmates. At year's end, all of the male inmates from the public prison in Colon had been transferred to Nueva Esperanza.

The Human Rights Commission of the Legislative Assembly also reported that prisoners at the Women's Prison of Colon suffer from overcrowding, constant semidarkness, constantly wet floors, and virtually no health

care. All female inmates are expected to be transferred to Nueva Esperanza in January 2002. Throughout the country conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons. The central women's prison uses only female guards. However, female prisoners, especially those in the primary detention area, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene.

Juvenile detention centers throughout the country suffer from inadequate resources to provide for education or adequate supervision of children, many of whom spend the majority of their time in a bare cell.

The law and the Penal Code provide for conditional release programs for inmates charged with minor offenses who have served a substantial part of their sentence, but this provision has not been implemented consistently in practice. A conditional release program was part of the organizational reforms that authorities introduced in 1998. During the year, the DGSP provided conditional release forms to the President for her signature in a more timely manner than in previous years. On July 19, the President and the Justice Minister signed a decree releasing 210 inmates (both male and female) who had served at least two thirds of their sentences. Twenty-seven of the 210 were Panamanians, while the rest were citizens of Colombia, Jamaica, Haiti, Nicaragua, El Salvador, Spain, and Jordan. In addition, two former Panama Defense Forces members who had been incarcerated since 1989 were placed instead under house arrest owing to health conditions. The release program helped to relieve pressure on the overcrowded prisons.

The Government generally allows prison visits by independent human rights monitors. However, the authorities arrange appointments ahead of time, and monitors generally speak to prisoners in the presence of guards or administrators. Prisoners have expressed fear of retaliation if they complain. Justicia y Paz, the Catholic Church's human rights watchdog group, brings prison abuses to the attention of the authorities. There were no reports that officials from the Ombudsman's office had trouble gaining access to prisons. In June an Organization of American States (OAS) Inter-American Human Rights Commission (IACHR) delegation traveled to the country to assess the human rights situation. The delegation visited both La Joya and La Joyita and expressed concern over severe overcrowding and the lack of an adequate prisoner classification system, which forces pretrial detainees to share cells with sentenced prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that arrests must be carried out with a warrant issued by the appropriate authorities, and the Government generally respects this provision in practice. Previously, the authorities often violated the provision that suspects are to be brought promptly before a judge; however, this provision was enforced more strictly during the year. Exceptions are permitted when an officer apprehends a person during the commission of a crime, or when an individual interferes with an officer's actions. The law requires the arresting officer to inform the detainee immediately of the reasons for arrest or detention and of the right to immediate legal counsel, to be provided to the indigent by the State (see Section 1.e.). Police arrested and detained children for minor infractions during neighborhood sweeps (see Section 5).

The Constitution also provides for judicial review of the legality of detention and mandates the immediate release of any person detained or arrested illegally. The Constitution prohibits police from detaining suspects for more than 24 hours without bringing them before a judge. During the year, the PTJ hired 35 paralegals responsible for following up on detention cases. Their responsibilities include preventing detentions that exceed the 24-hour statutory limit. In addition, the PTJ appointed two liaison agents to coordinate with the police to ensure that both institutions respect the 24-hour limit. Under the law, the preliminary investigation phase may last from 8 days to 2 months, and the follow-on investigation phase another 2 to 4 months, depending on the number of suspects. The PTJ paralegals must confirm that PTJ agents comply with these requirements. The courts frequently grant extensions of time limits, leaving the accused in detention for a long period without having been charged formally. The law permits these extensions; however, many legal authorities (including court officials) criticized judges for excessive use of this measure.

Extended pretrial detention continued to be one of the most serious human rights problems, due in part to the elaborate notification phase in criminal cases. According to government statistics, the number of pretrial detainees increased slightly from 4,851 to 5,345, or about 57 percent of the prison population. The average period of pretrial custody was 16 months, and pretrial detention in excess of the maximum sentence for the alleged crime was common. A legal mechanism exists to hold the Government financially accountable in cases in which a detainee spends more than 1 year in jail but subsequently has all charges dismissed at a preliminary hearing because the act of which the detainee was accused is not ruled a crime, or because there is no evidence to link the suspect to the crime. Although this redress procedure is not complicated, few former detainees have employed it.

Legal alternatives to prison exist; however, they are not implemented widely. Options such as house arrest

have been used in some cases involving the elderly or minors, but require that the defendants have access to and understanding of their legal options.

The Constitution prohibits exile; there were no reports of forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary is susceptible to corruption and outside influence, including manipulation by other branches of government.

The President appoints nine Supreme Court magistrates to 10-year terms, subject to Legislative Assembly ratification. The Supreme Court magistrates appoint appellate (Superior Tribunal) judges, who, in turn, appoint circuit and municipal court judges in their respective jurisdictions. Judicial appointments are supposed to be made under a merit-based system, but the top-down appointment system lends itself to political tinkering and undue interference by higher-level judges in lower-level cases in which they often have no jurisdiction.

A point of contention between district court judges and their superior court magistrate bosses is the extreme pay differential between the two. Despite a recent raise, district court judges still make less than half the salary of their immediate superiors. They even make less than many of the administrative personnel on the superior court staff. The pay issue has caused several district court judges to leave the judicial branch.

The Attorney General appoints the superior and circuit level prosecutors. Previously, the Attorney General also appointed the Director and Sub-Director of the PTJ, but a 1998 law transferred this power to the Supreme Court and requires Supreme Court approval of their removal from office. The same law also gave these two officials the power to name other PTJ officials without consulting the Attorney General. Opposition and media critics charged that this law increased the influence of the Supreme Court over criminal investigators, removed the generally positive oversight of the Attorney General, and made cooperation between prosecutors and the police much more difficult.

At the local level, mayors appoint administrative judges, or "corregidores," who exercise jurisdiction over minor civil cases, and who hold wide powers to arrest and to impose fines or jail sentences of up to 1 year. This system has serious shortcomings: defendants lack adequate procedural safeguards; administrative judges outside of Panama City are usually not attorneys; many have not completed secondary education; and some are corrupt. In practice, appeal procedures are nonexistent. Affluent defendants tend to pay fines while poorer defendants go to jail, which contributes to prison overcrowding (see Section 1.c.).

In 1998 the Inter-American Development Bank loaned the Government \$18.9 million to reform the judicial system; the Government contributed another \$8.1 million to the program. The loan is being used at national and local levels to: reduce judicial congestion; improve strategic administration and planning, as well as judicial training; reorganize and administer judicial services; strengthen the investigative capabilities of the Office of the Attorney General; incorporate procedural amendments and access to justice; and encourage citizen participation. Specific achievements of the reform plan at year's end included a reduction in the civil courts' backlog of cases, the launch of a citizen's awareness program on rights and duties, and reorganization of the Forensic Medicine Institute.

The Constitution provides that persons charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding. Judges can order the presence of pretrial detainees for the rendering or amplification of statements, or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Under limited circumstances, the law permits trials without the accused being present. The Constitution and the Criminal Procedure Code provide for trial by jury at the defendant's election, but only in cases where at least one of the charges is murder.

The Constitution obliges the Government to provide public defenders for the indigent. However, many public defenders are appointed late in the investigation, and the prosecutor already may have evaluated the bulk of the evidence and made a decision to recommend trial or the dismissal of the charges. Public defenders' caseloads remained extremely high, averaging some 550 cases per attorney per year. Only 5 new public defenders have been hired since 1992; there are 38 nationwide, with a similar number of assistants. This heavy workload undermined the quality of representation, with many prisoners meeting their public defender for the first time on the day of trial. The inadequate number of public defenders also caused a backlog in trial dates which, in turn, contributed to the problem of prison overcrowding.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, private papers, and telephonic communications, and the Government generally respects these rights in practice; however, there were complaints that in some cases law enforcement authorities failed to follow legal requirements and conducted unauthorized searches. In an effort to prevent unauthorized searches, the Public Ministry has placed a representative, whose job is to approve searches, in each of the PTJ's divisions. The authorities may not enter private residences except with the owner's permission, or by written order from the appropriate authority for specific purposes, such as entry to assist the victims of crime or disaster, or to conduct lawful health and safety inspections. The authorities may not examine private papers and correspondence, except as properly authorized by competent legal authority, and in the presence of the owner, a family member, or two neighbors.

Although the Constitution prohibits all wiretapping, the Government maintains that wiretapping with judicial approval is legal, and that the Attorney General may authorize a wiretap when confronted with probable cause in a serious crime. The law allows the Public Ministry to engage in undercover operations, including "videotaping and recording of conversations and telephonic communications." The Supreme Court has not issued a final ruling on whether wiretapping is constitutional, but it remains an established practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the media is subject to political and economic pressure. The Government and public figures make frequent use of libel and disrespect for authority laws to confront and attempt to intimidate journalists whom they allege are "irresponsible."

There is an active and often adversarial press and a broad range of print and electronic media outlets, including newspapers, radio and television broadcasts, and domestic and foreign cable stations. Six national daily newspapers, 4 commercial television stations, 2 educational television stations, and approximately 100 radio stations provide a broad choice of informational sources; all are privately or institutionally owned except for 1 government-owned television station. A 1999 law prohibits newspapers from holding radio and television concessions, and vice versa. While many media outlets take identifiable editorial positions, the media carries a wide variety of political commentaries and other perspectives, both local and foreign. There is a noticeable concentration of control of television outlets in the hands of close relatives and associates of former President Perez Balladares, who is a member of the largest opposition party.

Domestic and foreign journalists work and travel freely throughout the country. The law requires directors and deputy directors of media outlets to be citizens.

Under "gag laws" dating from the military dictatorship, the Government has legal authority to prosecute media owners and reporters for criminal libel and calumny. A special executive branch authority has discretionary powers to administer the libel laws, which provided for fines and imprisonment for up to 2 years. Under the statute, opinions, comments, or criticism of government officials acting in their official capacity are exempted specifically from libel prosecution; however, a section of the law allows for the immediate sanctioning of journalists who show "disrespect" for the office of certain government officials. In 1999 the President signed a law that eliminated gag laws, thereby improving the legal status of the media. However, legal actions against many journalists remained pending, and vestiges of the former gag laws still provide a means for charging journalists with defamation. The domestic media faced increased pressure during the year from elements in the Government for criticizing policies or officials. A total of 70 journalists face defamation charges brought under the criminal justice system; in 2000 then-Ombudsman Italo Antinori stated that there were at least 40 cases of journalists who had been accused of defamation.

In March the President of the National Association of Journalists, the Secretary General of the Journalists' Union, and the Editorial Director of the daily newspaper *El Panama America* organized a protest in front of the Supreme Court to protest the Ministry of Justice's handling of freedom of speech issues. Over 100 journalists participated, maintaining that they are victims of harassment by the Government.

Apparent government efforts to limit freedom of the press attracted the attention of the OAS's Special Rapporteur for freedom of the press, Santiago Canton, in part due to the lack of Panamanian media participation at the biannual meeting of the Inter-American Press Association in March. The IACHR delegation

that visited the country in June focused on the controversial gag laws and asked the President to eliminate all vestiges of them (see Section 4). In addition, the IACHR recommended that the Government change the existing legal process and adjudicate libel and slander under civil, rather than criminal, law. In September an OAS report on the status of freedom of speech in the hemisphere emphasized the repressive attitude of the country's judicial system toward the media. The OAS report characterized the Moscoso Administration's approach toward freedom of expression as a setback; the previous report characterized the country as making progress in this area.

The appeal of El Siglo newspaper editor Carlos Singares of his 1999 conviction for criminal libel and his sentence to 20 months in prison was pending at year's end. While Singares was in jail due to articles accusing Attorney General Jose Antonio Sosa of illicit activities, a court sentenced him to 20 months in prison for criminal libel against former President Perez Balladares. Singares is free during his appeal.

The appeal of Jean Marcel Chery, a reporter for the daily newspaper Panama America, of his July 2000 conviction for criminal libel and sentence of 18 months in jail or a fine of \$1,800 was pending at year's end. Chery had reported a woman's allegations that police robbed her of \$33,000 during a search of her apartment.

In September the Moscoso Administration ordered the arrest of Ubaldo Davis and Joel Diaz, two editors of the weekly tabloid La Cascara, for libel and for impugning the honor of various administration officials, including the President. The editors were released, but prosecution continued, and the trial is scheduled for April 2002. Reporters Without Borders and Publishers Against Corruption criticized the arrests.

In October a former vice president filed charges against editorial cartoonist Julio Briceno for lampooning him in the daily newspaper La Prensa. The cartoon criticized the politician's switch in political allegiances. If found guilty, Briceno could face up to 2 years in prison for defamation. His preliminary hearing was scheduled for December 28, but was postponed. No new date had been announced by year's end.

In December reporter Luis Gaitan accused the mayor's office in the city of David of corruption, and was in turn accused of a lack of respect by the mayor. Officials twice attempted to imprison Gaitan, but were prevented from doing so by the use of the courts.

Also in December, Omar Rodriguez, a journalist for La Prensa in the province of Cocolé, was threatened with legal action by the regional director of the Ministry of Agriculture for reporting on corruption in the Ministry.

In 1998 then-PNP Director Jose Luis Sosa used the libel laws to bring charges against law professor and former Moscoso adviser Miguel Bernal for statements that criticized the PNP for allowing the decapitation of prisoners on Coiba Island (see Section 1.c.). In 1999 there was a preliminary hearing on Sosa's charges. Bernal requested that the judge accept 37 witnesses; however, the judge rejected 34 of them. Bernal appealed this decision. On May 16, the judge of the 10th Criminal Court accepted Bernal's right to appeal based on Bernal's position that at the time of the incident Sosa was not a guard at the penitentiary on Coiba Island, and therefore could not bring charges. The judge stated that the police in charge were not minors or disabled (and could bring charges), and that the complainant was not their legal representative. However, in September the judge denied Bernal's actual appeal. Bernal then appealed the denial. His appeal was pending at year's end.

In November La Prensa journalist Herasto Reyes received a provisional judgement in his favor regarding the libel charges filed in 1998 against him by then-President Perez Balladares, after Reyes published a story accusing the administration of trying to cover up a government embezzlement scandal.

In another 1998 case, a prosecutor acting on behalf of Attorney General Sossa used the libel laws to charge La Prensa journalists Gustavo Gorriti and Rolando Rodriguez with a "crime against the honor of the authorities" for a story accusing the Attorney General of accepting checks from alleged money launderers in his unsuccessful 1994 campaign for a seat in the Legislative Assembly. Subsequent press reports suggested that the story was erroneous. Gorriti, a Peruvian citizen, departed the country during the year. The case against Gorriti and Rodriguez remained pending at year's end. In order for the case to proceed, Gorriti must be notified legally, which cannot happen since he is in Peru. Rodriguez still works at La Prensa.

A July 2000 law limits access by citizens to specific information about international agreement negotiations and national security, to administrative files within the Solicitor General's office, and to information about such matters as private citizens' health, political leanings, marital status, police or prison records, and bank accounts. The measure took effect on August 2, 2000. The Solicitor General's office indicated that these restrictions already existed in practice, but were codified by the new law. Nevertheless, some legal experts challenged this interpretation, and the media harshly criticized the measure. An OAS Special Rapporteur also criticized the law during a September visit to the country. In November 2000, the Legislative Assembly

amended Article 70 of the Solicitor General's Organic Law that regulated press access to files to read that the confidential classification of a given piece of information must be established objectively and pursuant to conditions contained in the existing laws, to prevent public officials from denying the release of information under the excuse of limited access. The President signed the amendment in December 2000.

The press laws provide for the establishment of a censorship board. The board monitors radio transmissions and has the authority to fine stations that violate norms regarding vulgar, profane, or obscene language.

In July 2000, Bishop Romulo Emiliani left the Darien region following anonymous death threats; he had criticized publicly Colombian paramilitaries, guerrillas, and drug traffickers. He remains out of the country.

Academic freedom is respected. In July the Legislative Assembly passed a bill mandating that all school textbooks written in Spanish must be written by Panamanian authors; however, on August 1, the President vetoed the bill.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respects this right in practice. No authorization is needed for outdoor assembly, although prior notification for administrative purposes is required. Throughout much of the year, police showed restraint and professionalism while monitoring large protests by students, political activists, prisoners, and workers; however, police commonly used tear gas against protesters.

On May 9 to 11, in Panama City, student and worker protests over bus fare increases turned violent, with Molotov cocktails, rock throwing, and looting. The violence resulted in dozens of injuries, including 115 by gunshots and between 250 and 300 arrests. The protests were among the most prolonged and significant in a decade, with an estimated 3,500 participants. The police used water cannons, tear gas, and rubber bullets to quell the disturbances. Most observers believe that the response by the police was measured and restrained. After several days of negotiations, the Government, moderate labor groups, and bus owners reached an agreement that ended the protests.

In August between 400 and 500 protesters marched through Colon for 2 days to protest unemployment in the city, which has reached 50 percent. When protests turned violent, police responded with tear gas. According to some accounts, 11 police officers and dozens of protesters were wounded in the violence.

The Constitution provides for the right of association, and the Government generally respects this right in practice. Citizens have the right to form associations and professional or civic groups. New political parties must meet strict membership and organizational standards to gain official recognition and participate in national campaigns. In February 2000, Minister of Government and Justice Winston Spadafora denied a petition by the Association of New Men and Women, an informal gay rights organization, to register as a nongovernmental organization (NGO); however, in June the Government recognized that association as an NGO, following the June OAS Human Rights Delegation visit (see Section 4).

c. Freedom of Religion

The Constitution, although recognizing Catholicism as "the religion of the majority of Panamanians," provides for free exercise of all religious beliefs, provided that "Christian morality and public order" are respected. The Government generally respects religious freedom in practice, and there is a broad diversity of religions. The Constitution prohibits clerics from holding public office, except as related to social assistance, education, or scientific research. However, Catholicism enjoys certain state-sanctioned advantages over other faiths. For example, the Constitution mandates that Catholicism be taught in public schools, although parents have the right to exempt their children from religious instruction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. The Government enforced exit permit requirements for foreigners who overstayed their initial visas. A 9:00 p.m. curfew for unaccompanied minors in the Panama City area remains in effect although enforcement generally is poor.

The law provides for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A 1998 decree grants protection to all persons entering the country

due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants 2 months temporary protection to displaced persons in the case of a large influx; the U.N. High Commissioner for Refugees (UNHCR) has criticized this provision on the grounds that it puts persons at risk for forced repatriation within a few weeks of entering the country, without analysis of their possible refugee status. However, in practice this has not occurred. For example, the Government has not forcibly repatriated displaced Colombians, and many Colombians have lived in the country for years without formal refugee status. The law contains provisions for first asylum. Approximately 60 Colombians were granted asylum during the year. The Government generally cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. However, the Government generally is reluctant to classify displaced Colombians as refugees and therefore has opposed a permanent UNHCR presence in the country, although the UNHCR regularly visited border areas to aid displaced Colombians.

Large groups of displaced persons periodically flee violence in Colombia by crossing the border into Panama. In 1999 approximately 800 Colombians fled violence in the Colombian town of Jurado and settled in the Darien town of Jaque. Since their arrival, the Government has cooperated with the Catholic Church and the U.N. High Commission for Human Rights to provide these displaced persons with humanitarian assistance. By the end of the year, approximately 200 Colombians remained in Jaque, while others returned to Colombia voluntarily or migrated elsewhere in Panama. According to a detailed government census, approximately 750 displaced Colombians were in the Darien region as of October.

The Government has offered Colombians the chance to participate in a voluntary repatriation program in coordination with the Government of Colombia, and many agreed to return. The Government worked with the UNHCR and the Catholic Church to provide displaced Colombians with food, medical care, and access to public services, including schools and clinics. The Government provided these services in Jaque and other areas of the Darien. However, many displaced Colombians living along the remote Darien border area were beyond the reach of organized assistance from the Government, the UNHCR, or the Church.

In addition to large groups of displaced persons, illegal aliens also are apprehended in the Darien and other parts of the country in small groups. These immigrants are usually Colombian, but many Ecuadorians, Peruvians, and even Asians and Africans have been detained.

Colombian migration, whether political or economic, has increased significantly pressures on local populations in the Darien and caused the displacement of Panamanian citizens. In addition, the Government suspects that Colombian migration conceals or attracts the presence of armed Colombian groups in the Darien region (see Section 1.c.). The effects of Colombian migration are also evident in Panama City and Colon, where large populations of Colombians have settled.

There were no reports of the forced return of persons to a country where they feared persecution; however, throughout the year, there were unconfirmed reports that the police along the border, on a case-by-case basis, required Colombians to return to Colombia.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government, and citizens freely exercised this right in the 1999 general elections. The Constitution provides for a representative democracy with direct popular election by secret ballot of the President, two vice presidents, legislators, and local representatives every 5 years. The independent Electoral Tribunal arranges and supervises elections. While the Constitution provides for independent legislative and judicial branches, the executive dominates in practice. The Government respected the rights of its citizens to join any political party, propagate their views, and vote for candidates of their choice.

In May 1999, Arnulfista presidential candidate Mireya Moscoso defeated Democratic Revolutionary Party (PRD) candidate Martin Torrijos and Christian Democratic Party candidate Alberto Vallarino, winning 44.8 percent of the popular vote. Domestic and international observers characterized the elections as generally free and fair; however, several local contests were marred by reports of vote buying. During President Moscoso's first year in office, she maintained a one-vote majority in the Legislative Assembly through her Arnulfista Party members' coalition with other parties. However, in September 2000, the coalition realigned, and the opposition gained control of the legislature. In July the Christian Democrat Party held a convention and changed its name to the Popular Party. On September 29, the ruling Arnulfista party held a convention where delegates confirmed Mireya Moscoso as the party president.

There are no legal barriers to participation in government or politics by women, members of minorities, or persons of indigenous descent; however, the percentage of members of these groups in government and politics does not correspond to their percentage of the population. Women's participation has increased in the

past several years. Mireya Moscoso is the country's first female president. Women hold 7 of 71 Legislative Assembly seats; a woman served as the Assembly's first vice president in 1999-2000, another woman held this position for the 2000-2001 legislative season, and a third woman was elected for the 2001-2002 season. Three women hold cabinet positions, and a woman is the director of the Public Registry. Two female judges sat on the Supreme Court during the year, one of whom served as Chief Justice for 1999-2001.

The Government provides semiautonomous status to several indigenous groups in their homelands, including the Kuna Yala, Ngobe-Bugle, Embera Wounaan, Kuna de Madungandi, and Wargandi reserves. Although there are two Kuna legislators in the Legislative Assembly, legislative districts have not been established in the other reserves. Locally, tribal chiefs govern each reserve; they meet in a general congress at regular intervals. Neither the Madugandi nor the Embera-Wounaan reserve has its own dedicated legislators, but each has a separate governor. The Electoral Tribunal continued the process of demarcating electoral districts within a new reserve created for the Ngobe-Bugle. Elections in 1999 allowed many Ngobe-Bugle to choose their own local representatives in these newly created electoral districts.

The law prohibits discrimination against any social, religious, or cultural group; however, naturalized citizens may not hold certain categories of elective office.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights organizations, including both religious and secular groups, operated without government restrictions. These organizations carried out a full range of activities, including investigations and dissemination of their findings. Organizations generally had access to government officials while conducting investigations. In June the Government recognized a homosexual rights organization (see Section 2.b.). In June an IACHR delegation traveled to the country to assess the human rights situation (see Sections 1.c., 2.a., and 2.b.).

The office of Human Rights Ombudsman receives complaints from citizens regarding abuses or violations committed by public servants or government institutions, collects information, confronts accused public institutions or employees, and conducts studies to promote international human rights standards. Although the Ombudsman has no coercive authority beyond moral suasion, he can confront public institutions and employees with their misdeeds. During the year, the Ombudsman's Office received 951 complaints against the government. Of this number, 906 complaints were against public institutions, and 45 were against businesses operating under a Government concession. On March 13, the Legislative Assembly elected attorney Juan Antonio Tejada Espino to replace the country's first Ombudsman, Dr. Italo Antinori, for a term of 5 years. Beginning his term on September 1, the new Ombudsman played a key role in mediating the prison hunger strike at La Joyita (see Section 1.c.), in investigating allegations of over-radiation of 28 patients at the National Cancer Institute, and in addressing complaints from citizens living in the canal watershed area who are concerned about the potential for forced relocations.

On January 18, the President issued an executive decree that established the Panamanian Truth Commission to investigate killings and disappearances believed to have occurred under the 1968-89 military dictatorship (see Sections 1.a. and 1.b.). Its members are researching approximately 135 cases through public disclosure of information relating to the deaths and disappearances. The Commission also is collecting eyewitness testimonials, domestic and foreign government documents, and anonymous information to assist in the matter. In October the President extended the Commission's mandate to April 2002, when the Truth Commission is to present a written report of its findings to the President and Attorney General.

In early August and again in October, a team of forensic anthropologists from the United States accompanied by a dog trained to find human remains discovered human remains in several locations, including airport runways, jungles and swamps, in four provinces of the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits either special privileges or discrimination on the basis of race, birth status, social class, sex, religion, or political views. However, societal prejudices persist. Cases of discrimination are difficult to prove, and legal remedies for victims are complicated, time-consuming, and costly. There were some unconfirmed reports of killings of homosexual men.

Women

Domestic violence against women continued to be a serious problem. The 1995 Family Code criminalized family violence (including psychological, physical, or sexual abuse) but convictions are rare unless a death

occurs. In September the Code was revised to strengthen the penalties for different forms of domestic violence and include penalties for domestic sexual assault. One observer criticized the new laws as being overly broad; and she said that the Ministry of Family, Women, and Children would not have the resources to cope now that so many persons would be able to initiate prosecution. The PTJ registered 673 cases of domestic violence during the year, compared with 610 during 2000. The PTJ also registered 395 cases of rape and 82 cases of attempted rape during the year, compared with 408 cases of rape and 102 cases of attempted rape in 2000. The Center for the Development of the Woman estimated that victims report as few as 20 percent of sexual assaults to judicial or law enforcement authorities. A widely acknowledged characteristic of rape is that it frequently is perpetrated by spouses or other family members. The Foundation for the Promotion of the Woman, among other women's advocacy groups and government agencies, operated programs to assist victims of abuse, and to educate women on their legal rights.

Trafficking in women for forced labor and sexual exploitation is a problem, and traffickers frequently bribe local law enforcement officials (see Sections 6.c. and 6.f.).

The Labor Code prohibits sexual harassment; however, it remains a problem. According to a report by the Latin American Committee for the Defense of Women, in 1995, the latest year statistics were available, about 70 percent of female government employees reported having endured sexual harassment in the workplace--42 percent by their immediate supervisors and 18 percent by more senior supervisors. Anecdotal evidence suggests that many women are propositioned for sexual favors at the time of their initial job interview.

The 1995 Family Code recognizes joint or common property in marriages. However, insufficient resources hampered government efforts to enforce the code's provisions effectively. According to Supreme Court Justice Mirtza de Aguilera, 80 family judges are required to handle this caseload; however, only 20 have been appointed owing to lack of resources.

The Constitution mandates equal pay for men and women in equivalent jobs, but wages paid to women are on average 20 percent lower and increase at a slower rate. There are credible reports of irregular hiring practices based upon age and "appearance." A 1998 law reiterates protections laid out in the Constitution and prohibits discrimination on the basis of sex.

The Ministry of Youth, Women, Children, and Family Affairs is largely a consolidation of departments previously operating in other government ministries, and its activities have not attracted a great deal of public attention. A number of private women's rights groups concentrate on disseminating information about women's rights, countering domestic abuse, enhancing employment and other skills, and pressing for legal reforms.

Children

Minors (under 18 years of age) represent 48 percent of the population. Education is compulsory through the equivalent of 9th grade, but children do not always attend school due to traditional attitudes, financial considerations of the family, lack of transportation, and insufficient government resources to enforce the requirement. The problem is most extreme in the Darien province and among indigenous groups. The Government furnishes basic health care for children through local clinics run by the Ministry of Health. A central children's hospital in Panama City operates with government funds as well as private donations.

The Superior Tribunal for Minors and Superior Tribunal for Families are judicial authorities charged with overseeing the protection and care of minors. The Minister of Youth, Women, Children, and Family Affairs acts much like an ombudsman, and the office proposes and reviews laws and monitors government performance. Through September the PTJ registered 102 cases of child abuse, compared with 196 in 2000. Neglect of children is a problem. Malnutrition and inadequate medical care are generalized problems that are most severe among rural indigenous groups. Rural and urban child labor are problems (see Section 6.d.).

The inadequate resources and training available to the family courts has resulted in several controversial decisions, including one highly publicized case in which a child was returned to an abusive situation.

Juvenile courts continue to report a high incidence of juvenile delinquency in major urban areas. The authorities report a continued increase in such crimes as drug trafficking, armed robberies, kidnappings, car thefts, and murders that are attributed to juveniles. Youth participation in criminal gangs is an increasing problem. Police arrested and detained children for minor infractions during neighborhood sweeps.

Persons with Disabilities

The Ministry of Education is responsible for educating and training minors with disabilities, while the Ministry of

Youth, Women, Children, and Family Affairs protects the rights of adults with disabilities. Children with disabilities traditionally have been separated from the general population; however, in February 2000, the Legislative Assembly passed a law that requires schools to integrate children with special needs into the student body, and this law generally is enforced.

The Department of Labor is responsible for placing workers with disabilities in suitable jobs. Placement remains difficult despite a 1993 executive order granting tax incentives to firms that hire disabled employees. Persons with disabilities also tend to be paid less than employees without disabilities for performing the same job.

The 1998 municipal building code for Panama City requires that all new construction projects be accessible to persons with disabilities with fines from \$100 to \$500 for noncompliance. A 1999 national law with similar requirements for new construction projects generally is enforced. Awareness of disability issues has increased, and commercial establishments increasingly provide and enforce handicapped parking spaces. However, basic services such as handicapped-accessible sidewalks and bathrooms are largely unavailable.

In July the Electoral Tribunal began a voting program to allow persons with physical disabilities or illnesses that prevent them from traveling to polling places to vote from home, with reportedly positive results.

Indigenous People

The Constitution protects the ethnic identity and native languages of indigenous people and requires the Government to provide bilingual literacy programs in indigenous communities. Indigenous people have legal rights and take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous people number approximately 194,000 persons (8 percent of the population) and have the same political and legal rights as other citizens. The Government has passed legislation over the years setting aside indigenous reserves for the country's native groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. The Ministry of Government and Justice in Panama City maintains the low profile Office of Indigenous Policy. Federal law is the ultimate authority on indigenous reserves, but local groups are allowed considerable local autonomy (see Section 3). For example, the Government recognizes traditional indigenous marriage rites as the equivalent of a civil ceremony. Laws protect intellectual property rights of indigenous artwork and set up regulations for artisan fairs. Despite legal protection and formal equality, indigenous people generally endure relatively higher levels of poverty, disease, malnutrition, and illiteracy than the rest of the population. Discrimination against indigenous people, although generally not overt, is widespread.

Although their population suffers from poverty and malnutrition, Kuna leaders have had the most success enforcing their territorial boundaries and maintaining their cultural integrity. A 190-acre Kuna Wargandi reserve was created in 2000. There are two Kuna legislators, and they have more financial resources than the other groups (see Section 3). Other indigenous groups have not succeeded in using their autonomy to preserve their culture or develop economic independence. Most live in extreme poverty and isolation. Illiteracy among indigenous groups is almost 50 percent, compared with 10 percent among the population as a whole.

Since indigenous populations infrequently master Spanish and are unfamiliar with the country's legal system, they often misunderstand their rights and fail to employ legal channels when threatened. The problem is exacerbated by government inattention to indigenous problems. For example, the Embera-Wounaan in the Darien have been moved out of their reserves in increasing numbers owing to encroachment by settlers, loggers, and Colombian immigrants. The Ngobe also are under threat due to the isolation of their reserves, encroachment by settlers, and generalized poverty. Indigenous workers consistently do not receive the basic rights provided by the Labor Code, such as minimum wage, social security benefits, termination pay, and job security. Even when working in close proximity to each other, indigenous laborers in the country's sugar, coffee, and banana plantations work under worse conditions than their nonindigenous counterparts. Indigenous migrant workers are unlikely to be provided with housing or food, and their children are much more likely to work long hours of heavy farm labor than nonindigenous children (see Section 6.d.).

National/Racial/Ethnic Minorities

The country is racially diverse, and minority groups generally have been integrated into mainstream society with overall success. However, discrimination against the country's newer immigrants, especially Chinese, often is overt. The ethnic Chinese community is estimated to be about 120,000 persons. Cultural differences and language difficulties hinder and may prevent many Chinese immigrants from fully integrating into mainstream society. In addition, Panamanians often resent Chinese immigrants for their perceived indifference toward the culture of their adopted country and their clannish behavior. Racial slurs directed at Asians are used openly among the general population, and substantial numbers of Panamanian-resident Chinese frequently are treated as second-class citizens. On the other hand, second and third generation Chinese are

seen as distinct from recent immigrants, and generally are accepted in society. These established Chinese generally do not want to be associated with the recent arrivals from China.

In addition to Chinese immigrants, Middle Eastern and Indian residents also suffer from racially motivated discriminatory treatment. All three groups operate much of the country's retail trade, particularly in urban areas. Legal and illegal immigrants, especially Chinese, are accorded fewer legal protections than are citizens for their trade activities. A constitutional provision reserving retail trade for Panamanian citizens is not enforced in practice; however, immigrants legally cannot own their businesses and sometimes encounter bureaucratic difficulties in practicing their professions.

Racism against blacks occurs, although it generally is expressed in more subtle terms. Blacks are conspicuously absent from positions of political and economic power. The country's white elite successfully marginalizes citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector.

Antillean blacks, often identifiable by dress and speech pattern, are a particular target for racial slurs and poor treatment by citizens and by Spanish-speaking blacks. Their geographic clustering in the economically depressed province of Colon and poorer neighborhoods of Panama City heightens their isolation from mainstream society. Black Canal workers traditionally commanded significantly higher financial resources compared with blacks elsewhere in society, but many have retired or emigrated and there is some anecdotal evidence that the rest are being replaced by white personnel. Mainstream political elites generally are unconcerned by the economic problems of black populations and a concomitant rise in drug use, crime, and gang violence. Colon, the country's second largest city, suffers from a conspicuous lack of government services.

Racial discrimination against all ethnic groups is evident in the workplace. In general, light-skinned persons are represented disproportionately in management positions and jobs that require dealing with the public (such as bank tellers and receptionists).

Section 6 Worker Rights

a. The Right of Association

Private sector workers have the right to form and join unions of their choice, subject to the union's registration by the Government. A 1995 labor code reform package significantly increased workers' ability to establish unions. It streamlined the accreditation and registration process for unions, and established the minimum size of unions at 40 workers. If the Government does not respond to an application within 15 days, the union automatically gains recognition and is accorded all rights and privileges under the law. The package also addressed a longstanding concern of the International Labor Organization (ILO) by allowing labor leaders to keep their union positions if fired from their jobs.

Approximately 10 percent of the total employed labor force is organized. There are over 250 active unions, grouped under 48 federations and 7 confederations representing approximately 80,000 members in the private sector. Neither the Government nor political parties outwardly control or finance unions; however, the Government and political parties do exercise political, ideological, or financial influence over some unions. The labor sector traditionally supports the PRD.

In 1999 the Supreme Court ruled that an article of the Labor Code that obligated private sector strikers to submit to binding arbitration after a given period was unconstitutional. There were some strikes and protests during the year, especially in the banana and construction industries. None of the strikes led to widespread violence.

The 1994 Civil Service Law permits most government workers to form public employee associations and federations and establishes their right to represent members in collective bargaining with their respective agencies. It also provides a small core of civil servants with the right to strike, bargain collectively, and evade summary dismissal, except for those in areas vital to public welfare and security, such as the police and health workers. However, the law has proven insufficient to protect the country's 150,000 public workers, because only a small percentage are members of the civil service and therefore enjoy job security. While the right to strike applies to some 10,000 civil servants, it does not apply to the approximately 140,000 other government workers. Public workers are not allowed to form unions. The ILO's Committee of Experts has observed for some years that the prohibition of public servants' associations is inconsistent with the country's obligations under ILO Convention 87, but no changes have been made.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 10,000 employees, but does allow unions to organize and to bargain collectively.

Union organizations at every level may and do affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The Labor Code provides most workers, including all private sector workers, with the right to organize and bargain collectively, and unions exercise it widely. The law protects union workers from antiunion discrimination and requires employers to reinstate workers fired for union activities. The Ministry of Labor has mechanisms to resolve complaints against antiunion employers. The Civil Service Law allows most public employees to organize and bargain collectively and grants some of them a limited right to strike; however, 130,000 public sector workers do not have the right to bargain collectively or to strike. The Labor Code establishes a conciliation board in the Ministry of Labor to resolve labor complaints and provides a procedure for arbitration.

Employers commonly hire temporary workers to circumvent onerous labor code requirements for permanent workers. Temporary workers are excluded from social security benefits, job security, and vacation time. Labor law requires companies to submit copies of all labor contracts for permanent workers to the Labor Ministry for review to ensure compliance and requires the Labor Ministry to conduct periodic inspections of the work force. The Labor Ministry may levy fines against companies not in compliance with the law. However, these measures have proven ineffective in practice. According to union sources, the practice of blank contracts is becoming more widespread.

Over the past 6 years, the Government has issued cabinet decrees restricting labor activity in export processing zones (EPZ's). Existing EPZ legislation provides for collective bargaining with "representatives of employees" but makes no specific mention of trade unions. It requires mandatory arbitration of disputes; and it allows for the participation of an unrepresentative worker delegate in the tripartite (government, labor, and industry) arbitration commission. A strike may be considered legal only after 36 workdays of conciliation are exhausted; if this requirement is not met, striking workers may be fined or fired. A 1998 ILO ruling noted that this regulation does not mention arbitration or specify procedures to resolve disputes in the courts, and that the Government should amend the EPZ labor regulations to conform with international norms; however, the Government has not made any changes in response to the ruling. Minimum wage provisions do not apply in the EPZ's.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor by adults and children; however, trafficking in women for forced labor and sexual exploitation is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment of children under 14 years of age with some exceptions, and also prohibits the employment of children under age 15 if the child has not completed primary school. However, a Government report published in 2000 estimated that 27,000 children between the ages of 12 and 14 work. Children under age 16 legally cannot work overtime, and those under age 18 cannot work at night. Children between the ages of 12 and 15 may perform light farm or domestic work, with the authorization of the Labor Ministry, as long as it does not interfere with their schooling. The Labor Code provides that children between the ages of 14 and 16 may work 6-hour a day shifts that do not exceed 36 hours a week. The Ministry of Labor enforces these provisions in response to complaints and may order the termination of unauthorized employment. The Government acknowledges that it is unable to enforce some child labor provisions in rural areas, owing to insufficient staff.

The ILO Permanent Committee Against Child Labor asserts that 11 percent of all children between the ages of 10 and 17 are working or actively are seeking employment. Most of these children, both rural and urban, are believed to be working at their parent's insistence. Some of these children may be providing a substantial part of their family income.

Child labor violations occur most frequently in rural areas, during the harvest of sugar cane, coffee, bananas, and tomatoes. Farm owners usually pay according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. In many small rural communities, the entire able-bodied population participates in a harvest, and parents are not willing to leave their children behind unattended. Many children also are involved extensively in subsistence agriculture producing coffee and sugar; they work with

their families or are employed by independent plantations.

The problem of child labor in agricultural areas appears to fall most heavily on indigenous families, who often are forced to migrate out of their isolated reserves in search of paid work (see Section 5). These frequent migrations not only interrupt schooling, but also leave the family vulnerable to sometimes unscrupulous contractors. The Government claims that it is unable to enforce child labor provisions in rural areas due to insufficient staff, such as in the coffee and banana plantations near the border with Costa Rica, where government resources are especially scarce. However, the lack of enforcement also can be attributed to widely held beliefs that indigenous people are accustomed to poverty and hard work. In September the Minister of Labor suggested that child labor in the sugar cane fields was a "cultural tradition among the indigenous" and that children cutting sugar cane received more food during harvest time; these comments led to a series of critical newspaper editorials. Children in banana plantations also face difficult conditions (see Section 6.e.).

Urban supermarkets employ an estimated 1,500 children who bag groceries for tips. Despite the requirements of the Labor Code, some of the children are as young as age 9, and many of them work late hours. Some supermarket managers claim that the children actually are not employed by their firm, despite the fact that "baggers" conform to schedules, wear uniforms, and must comply with company codes of conduct. The Government has demonstrated little interest in reducing the general problem of urban child labor, and has been unwilling to challenge the larger supermarket chains, where large numbers of children work. Urban child labor problems also include children working as street vendors or performers, washing cars, and running errands for businesses or local criminal groups.

The law prohibits forced or bonded labor by children, and the Government generally enforces this provision (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code establishes minimum wage rates for specific regions and for most categories of labor. The minimum wage ranges from \$0.80 per hour to \$1.50 per hour, depending on the region and sector. This wage is not sufficient to provide a decent standard of living for a worker and family. Most workers formally employed in urban areas earn the minimum wage or more. However, because unemployment is relatively high at an estimated 13.3 percent, an estimated 39 percent of the population work in the large informal sector and earns far below the minimum wage. This is particularly the case in most rural areas, where unskilled laborers earn \$3 to \$6 per day, without benefits; the Government does not enforce labor laws in most rural areas. Despite ILO protest, public sector workers do not fall under the Labor Code and do not always receive the minimum wage.

The Labor Code establishes a standard workweek of 48 hours and provides for at least one 24-hour rest period weekly.

The Ministry of Labor is responsible for enforcing health and safety standards and generally does so. The standards are fairly broad and generally emphasize safety over long-term health hazards, according to organized labor sources. Inspectors from both the Labor Ministry and the occupational health section in the Social Security Administration conduct periodic inspections of hazardous employment sites and respond to complaints. Both agencies suffer from budget constraints and experience difficulty attracting qualified personnel and resources. Construction workers and their employers are notoriously lax about conforming to basic safety measures, usually resulting in several deaths a year. In rural areas, the most severe lack of oversight in basic safety measures occurs in the banana industry, where poisoning by chemical agents is a recurrent issue. Workers have complained of sterility and more recently of adverse skin conditions as a result of exposure to the chemicals. In several plantations, indigenous workers were not provided with shelters, sanitary or cooking facilities, or fresh water; they also did not have machetes or gloves for their work. Complaints of health problems also continued in the cement and milling industries.

The law protects from dismissal workers who file requests for health and safety inspections. Workers also have the right to remove themselves from situations that present an immediate health or safety hazard without jeopardizing their employment. They generally are not allowed to do so if the threat is not immediate, but may request a health and safety inspection to determine the extent and nature of the hazard.

f. Trafficking in Persons

The Penal Code prohibits trafficking in women and children; however, trafficking remains a problem. The country is primarily a transit point for aliens seeking to reach the United States, some of whom are trafficked into indentured servitude. There also were reports of women being trafficked to Israel for purposes of prostitution. The country is also a destination for women and girls trafficked from Colombia and the Dominican

Republic. The Code provides for prison sentences of 2 to 4 years for the promotion or facilitation of the entry to or exit from the country of a person for the purposes of prostitution. In some circumstances, the penalty is increased to 6 years. Prosecutions are rare. The authorities held several persons in custody for trafficking; they remained in prison awaiting trial at year's end. Corruption, legal technicalities, and lack of resources contribute to the Government's inability to combat the problem fully. Traffickers frequently bribe or evade local law enforcement officials.

Trafficking in women for sexual purposes occurs in the country, but the extent of the practice is unknown.

An estimated 30,000 aliens transit the country annually, generally posing as tourists. The majority of aliens transiting Panama originate in Ecuador and Peru, but a significant and increasing number come from India and China. Their travel is facilitated by a network of alien smugglers, travel agents, hotels, and safe houses. Anecdotal evidence indicates that illegal aliens transiting through the country are subject to frequent hardship. They commonly are deprived of adequate food and shelter. Chinese aliens are particularly vulnerable to poor treatment, and ultimately those trafficked for the purpose of forced labor are coerced into working off their debt, which may be as high as \$30,000, as indentured servants. The Government does not conduct educational campaigns to warn of the dangers of trafficking, and there are no programs to aid victims.